

01-278

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ENERGY AND MINERAL RESOURCES, CHAIRMAN

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The Honorable Michael K Powell
Chairman
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554



Congress of the United States

House of Representatives

BARBARA CUBIN

WYOMING—AT LARGE

August 20, 2002

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: Pending FCC Rulemaking (ET Docket 01-278)
Regarding Review of Part 15 of the Commissions Rules

Dear Chairman Powell:

I am writing you to highlight the homeland security ramifications of the proceeding referenced above and to encourage the Federal Communications Commission to expeditiously reach a decision in the matter.

I understand that in October of last year, the Federal Communications Commission adopted a Notice of Proposed Rulemaking (NPRM) in Docket 01-278 requesting comment on the Commission's conclusion that it was in the public interest to adopt a minor change in its rules to permit more advanced radio frequency identification (RFID) systems to operate in the 433 MHz frequency band. As the Commission explained in the NPRM, advanced RFID systems are used to track and identify items such as large commercial shipping containers throughout the supply chain.

It is widely recognized that the nation's commercial shipping infrastructure remains highly vulnerable to terrorism, with commercial shipping containers constituting the "weak link" in commercial shipping security: over 16 Million shipping containers enter the U.S. annually (over 16,000 per day), yet only 2% of the cargo is inspected. Both Houses of Congress and President Bush have recently recognized the urgent need to close this "weak link" and protect the public by tracking and inspecting commercial containers in a way that does not disrupt the vital free flow of trade.

It has come to my attention that Savi Technology Inc., in conjunction with the Department of Defense, has recently developed and deployed a ground-breaking RFID system that can enable commercial ports to identify all key information about in-coming and out-going commercial container shipments, track and trace containers' physical movements in the supply chain, provide a comprehensive inventory of the items within the containers, and seal and secure containers during transit to protect against tampering.

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In short, upon completion of the pending rulemaking, Savi potentially has a system that could be immediately implemented on a global scale to help meet the nation's critical need for a more secure commercial shipping infrastructure.

In light of the extreme homeland security need to protect the public by deploying an effective means of tracking and inspecting commercial containers at our nation's seaports and airports, and the potential of products such as those developed by Savi Technology to meet that need, I respectfully request that the Commission, in conjunction with any needed consultations with the National Telecommunications and Information Administration (NTIA), move forward expeditiously to reach a final decision regarding the use of advanced RFID products in the 433 MHz frequency band. I understand that NTIA has some concerns regarding the impact of this proposed change to the operations of certain radars.

I am confident that any new regulations adopted by the Commission will ensure that the nation's security needs are adequately addressed. I would encourage that the resolution take all the potential benefits into consideration and that any analysis fully evaluate the real impact to any existing systems and not just be a theoretical analysis.

I appreciate your attention to this matter.

Sincerely,

A handwritten signature in black ink that reads "Barbara Cubin". The signature is fluid and cursive, with the first name "Barbara" being more prominent than the last name "Cubin".

Barbara Cubin
Member of Congress